

AFFIDAVIT OF SERVICE

Index #: 08 CV 01885

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: February 26, 2008

COUNTY

Date Filed:

Court Date:

ATTORNEY(S): PAUL A. MONTUORI ESQ. : PAUL A. MONTUORI, ESQ. PH: 516-338-4714
 ADDRESS: 265 POST AVE., SUITE 270 WESTBURY NY 11590 File No.:

UNITED STATES OF AMERICA for the use and benefit of J. SCADUTO & SON, INC.,

vs.

LIBERTY MUTUAL INSURANCE CO. and AGENCY CONSTRUCTION CORP.,

Plaintiff(s)/Petitioner(s)

STATE OF Pennsylvania, COUNTY OF Montgomery SS: Brandon Segal Defendant(s)/Respondent(s)Deponent is not a party herein, is over 18 years of age. On 3/6/08 at 2:40 pmat 450 Plymouth Road Suite 400 Plymouth Meeting, Pennsylvania 19462, deponent served the within

Summons, Complaint, Rule 7.1 Disclosure Statement(2), Civil Cover Sheet, Individual Practice Rules for Judge Lynch, Instructions for Filing in Electronic Case or Appellate Proceedings, Guidelines for Electronic Case Filing and Individual Practice Rules for Magistrate Judge, with Index Number 08 CV 01885, and Date Purchased February 26, 2008 endorsed thereon, Delinger & Conner

on: Liberty Mutual Insurance Company, Defendant therein named. To Proceed Before United States Magistrate#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.#2 CORPORATION ☒ By delivering to and leaving with Mark Smith - Legal rep and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to _____ a person of suitable age and discretion. Said premises is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state.#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: ☐ actual place of business ☐ dwelling house (place of abode) within the state.#5 MAIL COPY ☐ On _____, deponent completed service under the last two sections by depositing a copy of the postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of _____ Certified Mail No. _____

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____

#6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: ☐ Unknown at Address ☐ Evading ☐ Moved left no forwarding ☐ Address does not exist ☐ Other: _____#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
 (use with #1, 2 or 3) Sex M Color of skin W Color of hair Brown Age 40 Height 5'7"
 Weight 195 Other Features: _____#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.#9 MILITARY SRVC ☐ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of _____ and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.#10 OTHER ☐Sworn to before me on this 10th day of March 2008X
Notary

COMMONWEALTH OF PENNSYLVANIA
 NOTARIAL SEAL
 MAYA GERSHKOVICH, Notary Public
 Bensalem Twp., Bucks County
 My Commission Expires October 18, 2011

Process
 Served
 Please Print Name Below Signature
Brandon Segal

Invoice/Work Order # 0808291

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: February 26, 2008

Date Filed: _____

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COUNTY

ATTORNEY(S): PAUL A. MONTUORI ESQ. : PAUL A. MONTUORI, ESQ. PH: 516-338-4714

ADDRESS: 265 POST AVE., SUITE 270 WESTBURY NY 11590 File No.:

UNITED STATES OF AMERICA for the use and benefit of J. SCADUTO & SON, INC.,

VS.

Plaintiff(s)/Petitioner(s)

LIBERTY MUTUAL INSURANCE CO. and AGENCY CONSTRUCTION CORP.,

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

ROBERT A. WINCKELMANN, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On March 5, 2008 at 9:00 AM at 526 FAYETTE AVE MAMARONECK, NY 10543, deponent served the within

Summons, Complaint, Rule 7.1 Disclosure Statement(2), Civil Cover Sheet, Individual Practice Rules for Judge Lynch, Instructions For Filing An Electronic Case or Appeal, Procedures For Electronic Case Filing, Guidelines For Electronic Case Filing
~~Individual Practice Rules for Magistrate Judge Volinger and Consent to Proceed Before United States Magistrate~~
 with Index Number 08 CV 01885, and Date Purchased February 26, 2008 endorsed thereon,

on: **AGENCY CONSTRUCTION CORP.**, **Defendant** therein named.

- #1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.
- #2 CORPORATION ☒ By delivering to and leaving with MARY DEJOYA - OFFICE MANAGER and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.
- Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.*
- #3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to _____ a person of suitable age and discretion. Said premises is recipient's [] actual place of business [] dwelling house (usual place of abode) within the state.
- #4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business [] dwelling house (place of abode) within the state.
- #5 MAIL COPY ☐ On _____, deponent completed service under the last two sections by depositing a copy of the _____ to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. _____
- Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the _____ day of _____ at _____
- on the _____ day of _____ at _____
- on the _____ day of _____ at _____
- on the _____ day of _____ at _____

- #6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other: _____

- #7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
 Sex Female Color of skin Brown Color of hair Black Age 36 - 50 Yrs. Height 5' 4" - 5' 8"
 (use with #1, 2 or 3) Weight 100 - 130 Lbs. Other Features: _____

- #8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

- #9 MILITARY SRVC ☐ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.

- #10 OTHER ☐

Sworn to before me on this 6 day of March, 2008

BARBARA A. GHURGIN
 NOTARY PUBLIC, State of New York
 No. 30-5004737, Qualified in Nassau County
 Commission Expires November 23, 2010

ROBERT A. WINCKELMANN

Server's Lic # 0971194

Invoice•Work Order # 0808006

THE LAW OFFICES OF PAUL A. MONTUORI, P.C.

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Westbury, NY 11590

(516) 338-4714

pmontuori@montuorilaw.com

Attorneys for Plaintiff,

US ex. rel. J. Scaduto & Son, Inc.

UNITED STATES OF AMERICA for the
use and benefit of
J. SCADUTO & SON, INC.,
Plaintiff,

v.

LIBERTY MUTUAL INSURANCE CO.
and AGENCY CONSTRUCTION
CORP.,
Defendants.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
NEW YORK

Civil Action No.
"ECF Case"

SUMMONS

To the Above Named Defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorney listed above within 20 days after the service of this summons and complaint, exclusive of the day of service of this summons, or, if service was waived, within 60 days after such request for waiver was sent, or within 90 days if such waiver was sent to a defendant outside a judicial district of the United States, exclusive of the day such waiver was sent, said complaint being brought before the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007.

In case of your failure to answer this summons, a judgment by default will be taken against you for the relief demanded in the complaint, together with the costs of this action.

Dated: New York, New York

February 26, 2008

J. MICHAEL McMAHON

Clerk, United States District Court
Southern District of New York



TO: Liberty Mutual Insurance Company
450 Plymouth Road, Suite 400
Plymouth Meeting, PA 19462

Agency Construction Corp.
526 Fayette Ave.
Mamaroneck, NY 10543